

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM BREWART,

Plaintiff/Counter-Defendant,

vs

Case No: 13-11657
Honorable Victoria A. Roberts

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA,

Defendant/Counter-Plaintiff.

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ORDER ADOPTING REPORT AND RECOMMENDATION

On August 10, 2015, Magistrate Judge Patti issued a Report and Recommendation ("R&R") recommending that the Court deny Defendant/Counter-Plaintiff's Motion for Summary Judgment and grant its Motion to Amend Counter-Claim. No objections were filed to the R&R.

In accordance with 28 U.S.C. § 363(b)(1)(B), the Court conducted a *de novo* review of the R&R. The Court agrees with Magistrate Judge Patti's conclusion.

The court **ADOPTS** the R&R; Defendant/Counter-Plaintiff's Motion for Summary Judgment is **DENIED** and Motion to Amend Counterclaim is **GRANTED**.

This case will proceed to trial on Plaintiff's Complaint for Breach of Contract and Negligent Misrepresentation.

Traveler's is allowed to Amend its Counterclaim to assert a claim for unjust enrichment.

The Amended Counterclaim must be filed not later than October 2, 2015.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: September 21, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on September 21, 2015.

s/Linda Vertriest
Deputy Clerk